

CITY OF JAL
ORDINANCES 2017-1
AMENDING THE UTILITY ORDINANCE TITLE V, CHAPTER 51 & 52,
WATER & SEWER SERVICES; RATES AND CHARGES

A. RENDERING AND PAYMENT OF BILLS.

- 1) The utility shall render a bill to every customer for each billing period in accordance with applicable tariffs.
- 2) Bills for water service charges shall be rendered to the owner or occupant of each property connected to the water system. The property owner is responsible for all unpaid utility bills that belong to the service address regardless of who incurred the charges. Under no circumstances will the city transfer service to a new tenant until the account balance is paid in full. The city will make effort to inform the property owner of delinquent bills but it is the property owner's responsibility to ensure the account is kept current. These bills shall be rendered with and as a part of the monthly sewer service bills of the city.
- 3) Billings under the chapter may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act, NMSA §§ 7-9-1 et seq., and of all other taxes, fees, or charges (exclusive of ad valorem taxes) payable by the utility and levied or assessed by any governmental authority on the service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.
- 4) When billing for concurrent water and sewer services at a single location, the usage and charge attributable to each such service shall be clearly set forth on the bill. Utility service to multiple locations billed to a single customer shall be separately stated for each location.
- 5) All customers shall be given at least 20 calendar days from the date of rendition (the date of billing by the utility) of a bill for payment in full before the bill is deemed delinquent. When deemed delinquent a \$10.00 late fee will be assessed. A delinquency charge of \$10.00 per month will be assessed on any amount which remains unpaid after the due date. Each calendar year, a customer will be allowed one late payment without penalty.
- 6) Customers on a low, fixed income may submit an application for a delayed payment due date that is different from the due date set forth in division (D). The City Clerk must approve the application. Proof of low, fixed income status must be provided.
- 7) All customers shall be notified by mail at least 15 calendar days from the date the bill is deemed delinquent before the utility may disconnect utility service. Any customer whose service is scheduled to be involuntarily disconnected shall receive notice posted on the property 48 hours prior to disconnect and will be required to pay a \$50.00 reconnection fee in addition to all other fees and charges before being reconnected to the utility.
- 8) If the last day for payment of a bill falls on a Saturday, Sunday, legal holiday or any other day when the offices of the utility regularly used for the payment of customer bills are not open to the general public, the final payment date shall be extended through the next business day.
- 9) The utility shall assess a returned check charge in the event the customer's check or bank draft is returned by the bank for insufficient funds, closed account, or other appropriate reason.
- 10) Pursuant to NMSA §§ 3-23-1 et seq., the city may file a lien on property for outstanding charges including any interest or penalties accruing.

B. DISCONTINUANCE, DENYING, AND RESTORATION OF SERVICE.

- 1) Customers who intend to move from the premises or discontinue the use of utility service or in any way terminate their liability hereunder shall give the utility no less than ten days' notice of such intentions. The customer will be liable for all water used from the meter on the premises and related fees, charges and penalties until the utility has made the final meter reading. Upon receipt of such notice, the utility will read the meter the day the account is closed.
- 2) Any customer desiring that their service be disconnected shall give written notice to the utility at its office. The utility will endeavor to act upon telephone or verbal orders to discontinue service, but in the event of a dispute, only a written notice will be considered proof of notification.
- 3) The utility reserves the right to interrupt service for a reasonable period for repairs to its property or equipment.
- 4) The utility may discontinue utility service to any customer without prior notice:
 - a) In the event of a condition determined by the utility to be hazardous; or
 - b) In the event of any customer's use of equipment in such manner as to adversely affect the utility's equipment or the utility's service to others; or
 - c) In the event of any customer's tampering with, damaging, or deliberately destroying the equipment furnished and owned by the utility; or
 - d) In the event of unauthorized use of service.
- 5) After 20 days' prior notice, sent by mail, the utility may discontinue utility service to any customer for:
 - a) Nonpayment of a delinquent account, which includes a check used to avoid shut-off of service,
 - b) which is returned for non-payment; or
 - c) Failure to comply with the terms and conditions of a settlement agreement.
- 6) After three days' prior written correspondence, the utility may discontinue utility service to any customer for:
 - a) Refusal to grant access at reasonable times to equipment installed upon the premises of the customer for the purpose of inspection, repair, testing, meter reading, maintenance or replacement;
 - b) Failure to furnish such service, equipment, permit certificates, or rights-of-way as shall have been specified by the utility as a condition to obtaining service, or if such equipment or permission is withdrawn or terminated;
 - c) Violation of or noncompliance with this chapter; or
 - d) Failure of the customer to fulfill contractual obligations for utility service or facilities other than settlement agreements.
- 7) The 20-day notice required by division (5), shall be in English and made available in Spanish through an interpreter, and shall include the following:
 - a) A statement of reasons why the utility has issued notice to discontinue utility service;
 - b) The title, address, telephone number and working hours of the customer service personnel at the utility; and
 - c) A statement that the customer can obtain a review by personnel of the utility of the reasons for the proposed discontinuance of service, which shall stay the discontinuance during the review.

- 8) The utility shall not discontinue service for:
 - a) The failure of any customer to pay for services other than water or wastewater;
 - b) The failure of any customer to pay for service received at a separate metering point, residence or location. However, in the event of discontinuance or termination of service at a separate metering point, residence or location, the utility may transfer any unpaid balance due to any other service account of the customer and proceed in accordance with division
 - c) Nonpayment of the disputed amount of the bill; or
 - d) Delinquency in payment for service to a previous occupant of the same premises unless a court has found the new customer legally liable for the debt of the previous occupant or the previous occupant continues to reside at the premises.
- 9) It is prohibited for a customer or customer's agent to turn on water service, which has been disconnected by the utility. This action by unauthorized persons will be reason for a theft of service charge.
- 10) When a customer has indicated to the utility an inability to pay utility charges and has not been chronically delinquent, the utility shall attempt to arrange an installment payment plan for the payment of the past due utility charges. While an installment payment plan is being negotiated, the utility shall not discontinue service to such residence or location. In the event that either negotiation of the installment plan is discontinued or progress in its negotiation is stalled, the utility may proceed with discontinuance of service.
- 11) Utility service to any customer may be involuntarily discontinued only during the hours from 8:00 a.m. to 3:00 p.m. on Monday through Thursday and may not be discontinued less than 24 hours prior to a holiday or weekend.
- 12) Any customer whose service is involuntarily disconnected will be required to pay a \$50 reconnection fee in addition to all other fees and charges before being reconnected to the utility.
- 13) The utility shall provide a procedure for reviewing customer allegations that a proposed installment payment plan is unreasonable; that a utility charge is not due and owing; or that it has not violated an existing installment payment plan. Such procedure shall provide due notice to customers, and the reviewing utility representative shall have authority to order appropriate corrective action. Such review shall stay the discontinuance of utility service until the review is completed.

C. DISPUTED BILLS.

- 1) Investigations. In the event the customer disputes the amount of a bill for services rendered, the utility shall promptly make a complete investigation of the matter, and, if the bill is correct, use its best efforts to explain the questionable points to the customer. If the bill is in error, the utility shall correct the amount as promptly as circumstances permit.
- 2) Eligibility. It is the policy of the city not to adjust utility billing of its customers. A customer may qualify for relief if the following conditions are met:
 - a) The extraordinary billing of water must have been caused by:
 - i. Service water line break; or
 - ii. Building water line break or leak.
 - iii. The monthly bill in question must exceed the customer's last six-month average consumption by 25%.
 - b) The customer must establish the fact that:
 - i. The leak or break was beyond the customer's control;

- ii. The customer did not and could not have reasonably detected the problem earlier; and
 - iii. The customer took immediate action to correct the problem as soon as he became aware of it; and
 - iv. The customer must prove that repair has been completed satisfactorily.
- 3) Calculation. The amount of relief will be calculated by determining the average water bill for the previous six months. If the applicant has had service at that address for less than six months, determination of average water use for the period of service will be calculated by using one-half of the difference between the actual water bill and previous month's bill.
 - 4) Fee. The customer will be charged the adjusted amount as calculated by the Utilities Department.
 - 5) Determination. The City Clerk or City Manager shall have the authority to determine eligibility for adjustment under these guidelines and shall grant abatement as set forth in this chapter. balance due.
 - 6) The utility reserves the right to limit each customer to a maximum daily average usage when a shortage exists and to charge fines for water waste.
 - 7) The utility reserves the right to schedule restoration of utility service on the day following payment of DISPUTED BILLS.

D. RESPONSIBILITY FOR WATER SERVICE EQUIPMENT.

- 1) Utility's responsibility. The utility does not assume any responsibility for the yard line, customer's water and sewer lines, or any attached appurtenances, with the exception of the water meter.
- 2) Customer's responsibility. The customer shall use due diligence to protect the property of the utility, installed on the premises of the customer or on the premises under his control.

E. INTERRUPTION OF SERVICE.

- 1) The utility shall use reasonable diligence in providing continuous service and in furnishing a regular and uninterrupted supply of water, but the utility does not guarantee un-interruption of such service and supply and shall not be liable for damages in case such supply should be interrupted or fail by reason of an act of God, the public enemy, accidents, strikes, legal process, state, county or municipal interferences, breakdowns or damage to the machinery or supply, processing and distribution or cause beyond the control of the utility.
- 2) The utility reserves the right to discontinue service for the purpose of making connections or extension, repairs, raising or lowering of its pipe, or for any alterations, improvements, repairs, emergencies, or in connection with its business and will not be liable for damages occasioned by interruption of, or reduction in service when such interruptions or reductions are necessary to make repairs or changes in the utility's transmission, distribution, or collection facilities. The utility will endeavor to give reasonable notice in advance of any planned shutoff.

F. WATER SHORTAGE

- 1) If, during a shortage of supply, the utility finds evidence of excessive waste of water by a customer, or if it becomes necessary to ration water, the utility will advise the customer of such condition. If, within 24 hours of receiving such notice from the utility, the customer has failed to correct the condition causing excessive use, failed to comply with rationing orders or failed to demonstrate to the utility's satisfaction why he cannot comply within this time period, the utility may proceed with discontinuance of service.

- 2) Priority of use. In the event of a shortage of water supply, the priority of use shall be as follows:
 - a) Public fire protection;
 - b) Domestic household purposes;
 - c) Commercial and industrial purposes;
 - d) Non-residential irrigation;
 - e) Residential lawn and garden watering.
- 3) The utility shall be the sole judge of the existence of a local water shortage. A customer wishing to appeal a discontinuance of service due to a local water shortage may follow the procedures outlined in § 51.23. The Office of the Governor will issue drought warnings.

G. WATER SERVICE CONNECTIONS.

- 1) General. The utility shall determine the point of service to any premises. The utility shall be called upon for exact information regarding the service line location before any piping in the interior of the building has been started. If such information is not secured, changes in piping installation may result for which the utility shall not be held liable in any way and will not assume any responsibility.
- 2) No more than one service line shall be installed on the premises for any one customer unless agreed to by the utility where special circumstances exist. If there is more than one service line on a customer's premises, each service line will be separately metered and billed.
- 3) Service connections shall be made only by a licensed contractor working for or as an agent of a customer, or upon request by the customer, the city shall make the service connection, and a service connection fee shall be charged to the customer.
- 4) Meter settings shall be made by the city, and customer shall be charged an installation fee.
- 5) All meters should be installed as close as possible to the property line provided there is public access to the meter location. All water service will be provided only through an appropriate type and size meter.
- 6) All piping and plumbing installations made by the customer or under responsibility of the customer shall conform with all applicable codes.
- 7) The utility's service laterals shall terminate at the meter assembly and it shall be the owner's responsibility and at the owner's expense to install a stop and waste valve and to make the necessary connection from the utility's service lateral to the building or buildings to be served. For those systems providing fire protection, the customer shall install a pressure regulating device and an approved backflow prevention system.
- 8) The customer shall install a shutoff valve or equivalent on a yard line (customer's line) in an accessible place on the premises.
- 9) Where the customer's water pressure requirements are less than the minimum water pressure of 30 p.s.i. or more than the maximum water pressure of 125 p.s.i., then the customer has the responsibility to provide and install an approved adjustable pressure regulation device at the customer's expense. Customers shall not connect pumps directly to their service line.
- 10) Backflow preventers shall be required in the construction of all new commercial, industrial and public authority services where water is used in any process which, in the opinion of the utility, could constitute a cross-connection or health hazard. The type of backflow prevention device to be used shall be determined by the utility.
- 11) The utility shall be called upon for exact information regarding the location of the backflow preventer and the type of backflow prevention device to be used, before the service line has been installed. If

such information is not secured, expensive changes in piping installation may result for which the utility shall not be held liable in any way and will not assume any responsibility.

H. SEWER SERVICE CONNECTIONS.

- 1) Only one sewer connection per single-family residential customer is allowed. In the case of multi-family residential customers, sewer service is rendered by one or more connections from the dwelling unit.
- 2) It shall be the customer's responsibility and expense to connect from the utility's service main to the building or buildings to be served.
- 3) The customer shall install a clean out access or equivalent on a yard line (customer's line) in an accessible place on their premises.
- 4) Wastewater discharge monitoring manholes shall be required in the construction of all new non-residential sewer service lines. Such manholes shall be installed at the customer's expense at a point on the service line, to be determined by the utility. The utility shall be called upon for exact information regarding the location of the manhole and the type and size manhole apparatus to be used before the sewer service line has been installed. If such information is not secured, expensive charges in piping installation may result for which the utility shall not be held liable in any way and will not assume any responsibility.

I. RATES, FEES, CHARGES AND PENALTIES.

- 1) General. The rates to be charged by and paid to the utility for municipal water and sewer service will be the rates legally in effect, approved by the governing body. Complete schedules of all will be kept at all times at the utility's office at City Hall Jal, New Mexico. The rates shall include a monthly service charge and volume charge. These rates do not include tax.
- 2) Any and all changes duly made in the approved rate, or on terms and conditions of service, shall become effective on and after the date such changes have been approved by the governing body.
- 3) Single-family residential customers who do not have water service but are connected to city sewer will be charged a wastewater volume charge based on the class average water volume usage as a whole.
- 4) Tax adjustment. Billings under these rates may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act, NMSA §§ 7-9-1 et seq., and of all other taxes, fees, or charges (exclusive of ad valorem taxes) payable by the utility and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

J. ACCEPTABLE STANDARDS.

- 1) All utility work will adhere to minimum design and construction standards as defined in the 1987 version of the New Mexico Standard Specifications for Public Works Construction

K. UTILITY'S RIGHT TO INGRESS TO AND EGRESS FROM CUSTOMER'S PROPERTY.

- 1) Duly authorized agents or employees of the utility, carrying proper credentials and identification, shall have free access at all reasonable hours to the customer's premises for the purpose of inspecting, testing and repairing the utility's service lines, and for reading, changing or removing its water meters and appurtenant utility property. If such duly authorized agents or employees, after

showing proper credentials and identification, are refused admittance or hindered or prevented from making such inspections, the service may be discontinued until free access is given.

L. UNAUTHORIZED CONNECTIONS.

Water and sewer service shall be used only in connection with such customer's residence or place of business to which the service is piped. No additional facilities or supplies shall be connected to the existing service nor shall service be piped from one residence, dwelling, or building to another residence, dwelling or building without first obtaining written permission, authorization or statement of requirements from the utility.

M. THEFT OF SERVICE.

In the case of discontinuance of service for any of the reasons, after which a customer or an agent of the customer reconnects the water service, or in the case of illegal tapping, the customer shall be fined. If applicable, the meter will be removed or locked, and customer will be required to pay any balances due and a security deposit, before service will be reconnected. In the case of theft of water from a line or use of a hydrant without using a meter to measure the flow for payment to the city, the company or individual shall be charged an applicable criminal fee.

N. STOPPAGE OR OBSTRUCTIONS IN SERVICE.

The utility shall not be responsible for the stoppage or obstruction or breaks in facilities or lines of the customer.

O. CUSTOMER COMPLAINT PROCEDURES.

- 1) Inquiries concerning rates, charges and regulations may be made to the utility either in person, by telephone or in writing. Written complaints challenging a utility decision or action shall be made to the City Clerk. Such written complaints shall be fully investigated and a written decision provided to the customer. If the customer is not satisfied with the decision an appeal may be submitted to the City Manager, through a request for a hearing.
- 2) Any customer who does not file a written complaint with the City Clerk within 60 days of the decision or action waives any right to contest such decision or action. Any customer who does not file a written appeal with the City Manager within 30 days of the date of mailing of the decision of the City Clerk waives any right to contest such decision. The customer, who appeals to the City Manager, will be notified of the time and place of the hearing at which the customer presents his appeal. The City Manager may either affirm or change the ruling of the City Clerk consistent with this chapter. The customer or City Clerk may appeal in writing to the governing body an action of the City Manager within 30 days of the City Manager decision. Failure to file written notice of appeal to the governing body within 30 days waives any right to contest the decision of the City Manager.

P. WATER WASTE AND FUGITIVE WATER.

- 1) Prohibited acts.
 - i. Water waste. No person, business firm, corporation, municipal or other governmental facility or operation shall waste, cause, or permit to be wasted, as defined in this article, any water furnished by any water supply system, public or private, within the city.

- ii. Fugitive water flow. No person, business firm, corporation, municipal or other governmental facility or operation shall cause or permit the flow of fugitive water onto the adjacent property or public right-of-way.
- 2) Exceptions.
- i. Flow resulting from firefighting or routine inspection of fire hydrants or from firefighting training activities.
 - ii. Water applied as a dust control measure as may be required by regulations or work practice. Effluent shall be used when available and appropriate.
 - iii. Water applied to abate spills of flammable or otherwise hazardous materials.
 - iv. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available.
 - v. Water which reaches or flows onto adjacent property or public right-of-way when caused by an act of nature.
 - vi. Flow resulting from a routine inspection, maintenance, utility line breaks, or construction of a water supply system within the municipality.
 - vii. Flow resulting from washing of vehicles, boats, driveways, or sidewalks, municipal flushing of streets, or other occasional applications.
 - viii. Water used in the course of installation or maintenance of traffic flow control devices.
 - ix. Water used by contractors or utilities in saw-cutting of pavement, compaction, or other use required under terms of their contract.
- 3) Fugitive water shall not include:
- i. Storm water run-off.
 - ii. Flow resulting from temporary water supply system failures, malfunctions, or vandalism. This flow shall be exempted by the city to non-municipal water systems for the first 48 hours after notification of such failure or malfunction is given to the responsible party of the non-municipal system. The city's municipal water supply system shall be exempted provided the failure or malfunction is addressed within 48 hours.
 - iii. Flow resulting from other municipal emergencies.

CITY OF JAL WATER RATES

2015

WATER SERVICE RATES

Residential:

Minimum Bill \$ 26.00 for 0 gallons

Tier 1 - 0- 6,000 gal. \$ - per 1,000 gallons

Tier 2 -6,001 - 10,000 gal. \$ 3.00 per 1,000 gallons

Tier 3 - 10,001 - 20,000 gal \$ 3.00 per 1,000 gallons

Tier 3 - 20,001 - 50,000 gal \$ 3.00 per 1,000 gallons

Tier 3 - 50,001 - 100,000 gal \$ 3.50 per 1,000 gallons

Tier 4 -All over 100,001 gal. \$ 4.00 per 1,000 gallons

Commercial:

Minimum Bill \$ 35.00 for 0 gallons

Tier 1 - 0- 6,000 gal. per 1,000 gallons

Tier 2 -6,001 - 10,000 gal. \$ 3.50 per 1,000 gallons

Tier 3 - 10,001 - 20,000 gal \$ 4.00 per 1,000 gallons

Tier 3 - 20,001 - 50,000 gal \$ 4.00 per 1,000 gallons

Tier 3 - 50,001 - 100,000 gal \$ 4.00 per 1,000 gallons

Tier 4 -All over 100,001 gal. \$ 5.00 per 1,000 gallons

Industrial:

Minimum Bill \$ 24.00 for 0 gallons

Tier 1,000 gal. \$ 24.00 per 1,000 gallons

WATER SERVICE RATES

2016 | 2017 **Subject to ratification by the governing body.**

Residential:

Minimum Bill \$ 31.00 | \$ 36.00 for 0 gallons


Commercial:

Minimum Bill \$ 40.00 | \$ 45.00 for 0 gallons

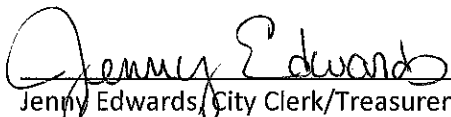
The rates will become effective July 1, 2016, subject to ratification by the governing body.

The minimum bill for Residential and Commercial will increase \$5.00 effective July 1, 2017, subject to ratification by the governing body.

Ordinance No. 2017-1 for amendments and additions to the City of Jal Ordinance-Title V, Chapters 51 and 52, Water and Sewer Services; Rates and Charges to go into effect October 1, 2016 was Passed, Approved and Adopted on September 12, 2016 by a unanimous vote of the City Council.


Cheryl Chance, Mayor

Attest:


Jenny Edwards, City Clerk/Treasurer

Seal:

